



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

June 17, 2008

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2677; REAL ID Act; Implementation Prohibited

Dear Speaker Weiers:

I am signing House Bill 2677, through which Arizona joins 13 other states in their formal refusal to implement the federal government's REAL ID Act of 2005.

From its inception, the REAL ID Act has been riddled with problems, both technical and policy-oriented. Accordingly, it took the U.S. Department of Homeland Security until January 11, 2008, over two years after the Act's enactment, to issue final rules on the drivers' license provisions of the REAL ID Act. As acknowledgement of the scope of the problems with the REAL ID Act, the rules include another potential delay of the Act's implementation date to 2011 and, under some circumstances, as late as 2017.

In the meantime, Congress and the Administration have consistently refused to fund the states' high costs of implementing the REAL ID Act. The White House's own budget staff estimates the cost to implement the Act to be at least \$4 billion. To date, the federal government has appropriated only \$90 million for those purposes and those funds have not yet been released. My support of the REAL ID Act is, and has always been, contingent upon adequate federal funding. Absent that, the REAL ID Act becomes just another unfunded federal mandate.


My resistance to an unfunded REAL ID Act should not be confused with my proposed "3-in-1" Enhanced Driver License Program. The "3-in-1" Enhanced Driver License Program is an Arizona program to make available, at the applicant's option, a driver's license that will: (1) serve in lieu of a passport for travel between the United States, Canada and Mexico; (2) act as verification of the holder's legal immigration status; and (3) continue as a driver's license in Arizona. While the "3-in-1" Enhanced Driver License proposal referenced the REAL ID Act, it did so only insofar as implementation of the REAL ID Act was

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"practicable." Absent federal funding, implementation of the REAL ID Act is not "practicable" and, thus, the "3-in-1" Enhanced Driver License Program must proceed on its own. For Arizonans who must travel back and forth to Mexico and Canada, the "3-in-1" Enhanced Driver License remains an excellent option. I urge the legislature to revisit this proposal.

For all of the reasons described in this letter, and primarily because the federal government has not met the financial burden associated with the REAL ID Act, I am signing House Bill 2677 into law.

Yours very truly,



Janet Napolitano
Governor

JN:LK

cc: The Honorable Timothy S. Bee
The Honorable Judy M. Burges

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 272

HOUSE BILL 2677

AN ACT

AMENDING TITLE 28, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING
SECTION 28-336; RELATING TO THE REAL ID ACT OF 2005.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 28-336, to read:

4 28-336. REAL ID act; implementation prohibited

5 THIS STATE SHALL NOT PARTICIPATE IN THE IMPLEMENTATION OF THE REAL ID
6 ACT OF 2005 (P.L. 109-13, DIVISION B; 119 STAT. 302). THE DEPARTMENT SHALL
7 NOT IMPLEMENT THE REAL ID ACT OF 2005 AND SHALL REPORT TO THE GOVERNOR AND
8 THE LEGISLATURE ANY ATTEMPT BY AGENCIES OR AGENTS OF THE UNITED STATES
9 DEPARTMENT OF HOMELAND SECURITY TO SECURE THE IMPLEMENTATION OF THE REAL ID
10 ACT OF 2005 THROUGH THE OPERATIONS OF THE UNITED STATES DEPARTMENT OF
11 HOMELAND SECURITY.

APPROVED BY THE GOVERNOR JUNE 17, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 17, 2008.